

### **REMARKS**

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant amends the specification to add headers. No new matter is being added.

#### **I. Preliminary Matters**

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the Priority Document. Applicant also thanks the Examiner for returning the initialed form PTO/SB/08 submitted with the Information Disclosure Statement filed on November 16, 2005. Applicant further thanks the Examiner for indicating acceptance of the drawing figures filed on April 22, 2005.

#### **II. Summary of the Office Action**

The Examiner objected to the specification for a minor informality and rejected claims 1-10 on the grounds of nonstatutory obviousness-type double patenting rejection. The Examiner further indicated that claims 1-10 contain allowable subject matter.

#### **III. Objection to the Specification**

The Examiner objected to the specification for not including the headers. Applicant herein amends the specification to cure the minor informality noted by the Examiner. In view of this amendment to the specification, Applicant respectfully requests the Examiner now to withdraw this objection. No new matter is being added.

#### **IV. Double Patenting**

Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Patent Application No. 10/928,262 and

as being unpatentable over U.S. Patent No. 7,205,931. Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

To overcome the nonstatutory obviousness-type double patenting rejection, and as the path of least resistance, Applicant submits herewith suitable Terminal Disclaimers. The filing of the terminal disclaimers simply serves the function of removing the nonstatutory obviousness-type double patenting rejection and raises neither presumption nor estoppel on the merits of the rejection. It is submitted that obviation of the nonstatutory obviousness-type double patenting rejections by submission of the terminal disclaimers should not be construed as an admission or acquiescence or estoppel on the merits.

V. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-10 contain allowable subject matter. Applicant does not acquiesce to the Examiner's reasons for allowing the claims. Since Terminal Disclaimers are being filed concurrently herewith, claims 1-10 should now be allowed.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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**23373**

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